

If you are interested in knowing who the pall bearers are, it seems that it does not make much difference where the ceremony takes place, upstairs or downstairs.

It seems to me in the interest of responsibility of the General Assembly, in the interest of seeing to it that the public knows who is responsible for what happens in the General Assembly, that there is every argument for the inclusion of the sentence which the James amendment would seek to delete, and I submit to you that we are not trying to set up blocks or impediments, or throw the road open or close it with technical amendment. We want good visibility and continued responsibility.

I think the elimination of this particular sentence would be most unfortunate. We know the significance of the committee votes in Maryland, and I submit to you that we have a duty to see to it that the committee votes are recorded so that the public notes who stood up and who did not when the chips were down.

I urge you to defeat the amendment.

THE CHAIRMAN: Does any delegate desire to speak in favor of the amendment?

DELEGATE STORM: Mr. Chairman, I have a question.

THE CHAIRMAN: To whom is it addressed?

DELEGATE STORM: Maybe you can answer it. If you cannot, Delegate Gallagher could, if he has time.

Did the Committee consider whether or not — you raised this question yesterday, I think, and it seems very important to me — did the Committee consider whether or not each of these sentences would have to be complied with strictly or the bill would fail, or be considered unconstitutional? Is each of these a constitutional requirement for a valid bill?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Chairman, and ladies and gentlemen: The Committee did not specifically consider each sentence in the light of what the failure to carry out the duties of each sentence would do to the legislature itself. As I said yesterday, the Committee was not homicidally bent, and it was never our intention to have bills declared invalid as a result of failure to follow any particular mandate in this sentence. The Chair pointed out yesterday the existence of the *Redwood* case, which I read last night. The Court of Ap-

peals already decided with respect to one sentence in section 3.17, which we carried over in the draft from the old Constitution, that the failure to file the recordings of the Yeas and Nays in the Journal would have the effect and did have the effect in the public school construction bond case of invalidating the legislation.

However, I do not presume to say and would not urge what the legal effect of the failure would be. I would simply say that we tried to impose a duty upon the General Assembly and would leave to the courts the consequences of the failure to follow the duty.

THE CHAIRMAN: Is there any further question, Delegate Storm?

DELEGATE STORM: One more thing.

Mr. Gallagher, if a clerk made a mistake in recording the committee votes, or if some other mistake were made in the committee records, would this perhaps make a bond issue invalid?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: All I would say to that is that in *Redwood v. Lane* which I referred to, a clerk did make a mistake. He pulled down what he thought was a senate bill, which was in fact the same number, but it was the house bill.

As a result of the handling of the matter physically, there was actually no Yea and Nay vote entered in the journal with respect to this case, because the printer thought he was correcting an error, and he made a mistake in the way he did it. There is no way that I know of that we can guard against human errors and human failures.

The lower court said if you had a clerk who was deliberately out to sabotage you, you would be very much at his mercy. But nevertheless, the Court of Appeals in the *Redwood* case found that the law had not been complied with, and in that particular respect it called a validation of the fact.

I do not urge, and the Committee does not urge that particular effect upon the failure to carry out the provisions herein. I would say we do not designedly point to that result. Again, it would be the legal interpretation of the effects of the failure to carry out the various sentence requirements.

THE CHAIRMAN: Delegate Storm.

DELEGATE STORM: Thank you, Delegate Gallagher.